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LB 543

SENATOR BOURNE: ...that you've said that; I don't have any reason to dispute that.

SENATOR CHAMBERS: If that were challenged in court, do you think the challenge would have a chance of success?

SENATOR BOURNE: You know, I'm not certain. I know there was a case recently that dealt with an issue similar to that, at the federal level, that said that it seems to me as if they were relaxing some of those previous prohibitions. So I'm not sure that it would be struck down.

SENATOR CHAMBERS: You are aware that this could be challenged in state court, because it's a state enactment?

SENATOR BOURNE: I...I...yes, anything could be challenged.

SENATOR CHAMBERS: And you're aware that the State Constitution prohibits the expenditure of public funds to help private and parochial schools.

SENATOR BOURNE: I am.

SENATOR CHAMBERS: And some people, certainly not you, would see this program as trying to do indirectly what the constitution prohibits from doing directly.

SENATOR BOURNE: You know, you certainly hold that view, so I would think that some people probably do hold that view, yes.

SENATOR CHAMBERS: Do you think any benefit redounds to these private schools as a result of money going to students who attend those schools?

SENATOR BOURNE: I would say, yes, there is some benefit, but I would say the more benefit is to those students themselves.

SENATOR CHAMBERS: So this would be an indirect benefit to those schools.